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Attorneys for Appellant Bryan Cave LLP

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

In re
ESTATE FINANCIAL INC.,
Debtor

CASE NO. 2:11-CV-07109-SJO
[Regarding Chapter 11 Bankruptcy
Case No. 9:08-bk-11457-RR]

The Hon. S. James Otero

**NOTICE OF FILING OF ORDER
BEING APPEALED FROM
PURSUANT TO COURT ORDER**

[No Hearing Required]

BRYAN CAVE LLP,
Appellant,
vs.
THOMAS P. JEREMIASSEN, Trustee for
the estate of Estate Financial, Inc.,
Appellee.

1 **PLEASE TAKE NOTICE** that, pursuant to this Court's Notice Regarding
2 Appeal From Bankruptcy Court, filed on August 29, 2011 in the above-captioned case
3 (Dkt. No. 1), Appellant Bryan Cave LLP ("Bryan Cave") hereby files the order being
4 appealed from which is attached hereto as **Exhibit A**.

5
6 DATED: August 30, 2011

KEVIN S. ROSEN
CRAIG H. MILLET
MICHAEL B. SMITH
GIBSON, DUNN & CRUTCHER LLP

9 By: /s/ Douglas S. Levin
10 Douglas S. Levin

11 Attorneys for Appellant Bryan Cave LLP

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EXHIBIT A

1 LARRY W. GABRIEL [SBN 68329]
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3 COREY R. WEBER [SBN 205912]
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5 Special Litigation Counsel for Plaintiff,
6 Thomas P. Jeremiassen, Chapter 11 Trustee

FILED & ENTERED

AUG 10 2011

CLERK U.S. BANKRUPTCY COURT
Central District of California
BY william DEPUTY CLERK

7 **CHANGES MADE BY COURT**

8 **UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
NORTHERN DIVISION**

9
10 In re

Case No. 9:08-bk-11457-RR

11 **ESTATE FINANCIAL, INC.,**

Chapter 11

12 Debtor.

13 **ORDER DENYING BRYAN CAVE, LLP's
MOTION FOR ORDER WITHDRAWING
CLAIM NO. 69-1 WITH PREJUDICE**

14 (Proposed)

15
16 The Motion of Bryan Cave, LLP ("Bryan Cave") For Order Withdrawing Claim No. 69-1
17 With Prejudice came on for hearing on July 15, 2011, at 10:00 a.m. in the above entitled Court, and
18 after consideration of the motion of Bryan Cave, the opposition filed by the EFI Trustee, and the
19 reply filed by Bryan Cave, with the court's findings on the record,

20 IT IS HEREBY ORDERED that the Motion of Bryan Cave For Order Withdrawing Claim
21 No. 69-1 is DENIED without prejudice.

22 ####

23 *Robert Riblet*
24

25 DATED: August 10, 2011

26
27 United States Bankruptcy Judge

28

In re: Estate Financial, Inc.

Debtor(s).

CHAPTER 11
CASE NUMBER 9:08-bk-11457-RR

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: **21650 Oxnard Street, Suite 500, Woodland Hills, California 91367**

A true and correct copy of the foregoing document entitled **ORDER DENYING BRYAN CAVE, LLP'S MOTION FOR ORDER WITHDRAWING CLAIM NO. 69-1 WITH PREJUDICE** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner indicated below:

I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF") – Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On _____, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:

Service information continued on attached page

II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL(indicate method for each person or entity served):

On **July 26, 2011**, I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follows. *Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.*

VIA U.S. MAIL

Honorable Robin L. Riblet
United States Bankruptcy Court
1415 State Street, Suite 103
Santa Barbara, CA 93101-2511

Service information continued on attached page

III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **July 26, 2011**, I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. *Listing the judge here constitutes a declaration that personal delivery on the judge will be completed no later than 24 hours after the document is filed.*

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Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

July 26, 2011

Date

JESSICA ROEL

Type Name

/s/ Jessica Roel

Signature

In re: Estate Financial, Inc.	Debtor(s).	CHAPTER 11 CASE NUMBER 9:08-bk-11457-RR
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III. SERVED BY EMAIL

- Thomas M Geher tmg@jmbm.com
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4 • Jonathan R. Zeko jzeko@grantandzeko.com

5 **II. SERVED BY U.S. MAIL**

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10 Estate Financial Inc. 11 806 9 th Street, Suite 1A 12 Paso Robles, CA 93446	13 Ann Brown 14 10624 Colorado Road 15 Atascadero, CA 93422
16 Conselho Supremo Da Sociedade Do Espirito 17 1120 E. 14 th St 18 San Leandro, CA 94577-4545	19 Cheryl Brown 20 4773 Bodega Avenue 21 Petaluma, CA 94952
22 James Adams 23 826 Vales Street 24 Santa Barbara, CA 93109	25 Elizabeth Anne Butterworth 26 721 Jasmine 27 Corona del Mar, CA 92625
29 Michael Adler 30 c/o Goe & Forsythe, LLP 31 18101 Von Karman Ave., Ste 510 32 Irvine, CA 92612	34 Calaveras Lumber Company 35 c/o Steven S Altman 36 1127 12th St., Ste 104 37 Modesto, CA 95353
39 Lorraine Marie Alltounian 40 P. O. Box 403 41 Pismo Beach, CA 93448-0403	43 California Plastering Inc 44 c/o Jina A Nam/Green & Campbell 45 1777 E. Los Angeles Ave., Ste 201 46 Simi Valley, CA 93065
48 Anderson, McPharlin & Conners LLP 49 Mark E. Aronson, Esq 50 444 S. Flower St., 31st Fl 51 Los Angeles, CA 90071-2901	53 Bryan Cave LLP 54 c/o Katherine M. Windler 55 120 Broadway, Suite 330 56 Santa Monica, CA 90401
58 BSB Design Inc 59 Attn: James Grundmeier 60 6601 Westown Parkway Ste 240 61 West Des Moines, IA 50266	64 Robert Clark 65 1701 Fern Hollow Drive 66 Diamond Bar, CA 91765
68 Shelley J. Baier 69 2105 Vine Street 70 Paso Robles, CA 93446	72 Patricia Cullinan 73 13505 Old Morro Rd. 74 Atascadero, CA 93422
76 Bernard L. Baker 77 438 Via De La Luz 78 Thousand Oaks, CA 91320	80 Adam M. Daner 81 Daner Law Firm, APLC 82 5855 Capistrano Ave., Ste G 83 Atascadero, CA 93422
86 Carolyn A. Baker 87 438 Via De La Luz 88 Thousand Oaks, CA 91320	90 Donna L. Wobber 91 Donald R. Wobber 92 560 Grove Acre Ave. 93 Pacific Grove, CA 93950
95 Linda A. Barlow 96 2700 N.Main St # 850 97 Santa Ana, CA 92705-6638	

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3	Jon F. Gauthier 8620 Spectrum Center Blvd Ste 900 San Diego, CA 92123-1454	Kurt G. Stone, Trustee of the Zalusky Trust 126 Longfellow Ct. Thousand Oaks, CA 91360
4	Jon F. Gauthier Marks Golia & Finch LLP 8620 Spectrum Center Blvd Ste 900 San Diego, CA 92123-1454	LECG LLC 201 S. Main St., Ste 450 Salt Lake City, UT 84111
5	George and Cathy Hoxie 3386 Herrier St. Oakland, CA 94602	LECG LLC 2049 Century Park East Ste 2300 Los Angeles, CA 90067
6	Robert P. Goe, Esq. Goe & Forsythe LLP 18101 Von Karman Ave., Ste 510 Irvine, CA 92612	Lance E. Mason 1212 Calle Cerrito Santa Barbara, CA 93101
7	Haribol Siddhadas GrassRoots Fine Gardening 3463 State St. Santa Barbara, CA 93105-2552	Lewis R. Landau Atty for Estate Financial Mortgage Fund 23564 Calabasas Road, Ste. 104 Calabasas, CA 91302
8	Highwater Granada Hills, LLC c/o Byron Z. Moldo, Esq. Moldo Davidson et al. 2029 Century Park East, 21st Floor Los Angeles, CA 90067	Lauderdale Law Offices 150 Carmelito Ave Monterey, CA 93940
9	Investment Trends LLC 4455 Via Bendita Santa Barbara, CA 93110	MACC Foundation c/o Goe & Forsythe, LLP 18101 Von Karman Ave., Ste 510 Irvine, CA 92612
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11	David A. Juhnke Sinsheimer Juhnke Lebens McIvor LLP 1010 Peach Street San Luis Obispo, CA 93401	Daniel J Mash Mash & Bahrick 1960 The Alameda, Ste 20 San Jose, CA 95126
12	Louise Kalsham 440 Kerwin Cambria, CA 93428	Mitch Brown Construction, Inc. 14200 Road 284 Porterville, CA 93257
13		Charles W. Murray 2853 Johnson Ave. San Luis Obispo, CA 93401-5802
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3	Carol Pimentel 3 Vineyard Place Ashville, NC 28804	<u>Chapter 11 Trustee for EFMF</u> Bradley N. Sharp 333 S. Grand Avenue Los Angeles, CA 90071
4	Scott and Bonnie Drimmel 22704 NE 182nd Ave. Battle Ground, WA 98604	<u>Committee Member</u> Jim W. Davis PO Box 15 Lemoore, CA 93245
5	Steven C. Smith Smith, Chapman & Campbell 1800 N Broadway, Ste 200 Santa Ana, CA 92706	<u>Committee Member</u> Thomas K. Schultheis 4455 Via Bendita Santa Barbara, CA 93110
6	State Comp Ins Fund PO Box 9102 Pleasanton, CA 94566-9102	<u>Committee Member</u> Sherri G. Bell 2345 Kendal Lane Cambria, CA 93428
7	The Investment Company 139 Via Fuchsia Paso Robles, CA 93446	<u>Committee Member</u> John G. Henry, M.D. 1905 Hidden Valley Road Templeton, CA 93465
8	Kay Tomamichel c/o Goe & Forsythe, LLP 18101 Von Karman Ave., Ste 510 Irvine, CA 92612	<u>Atty for Creditor Tom Besmer</u> <u>Construction, Inc.</u> Jeffrey D. Rowe Law Offices of Jeffrey D. Rowe 23377 West Shaw Avenue, Suite 101 Fresno, CA 93711
9	Alice E. White Trustee for Alice E. White Trust 158 Via Robles Paso Robles, CA 93446-3926	<u>Atty for California Plastering, Inc.</u> Todd M. Wolfe, Esq. Green & Campbell, LLP 1777 E. Los Angeles Avenue, Suite 201 Simi Valley, CA 93065
10	Kenneth D. Willett 786 Oxen St. Paso Robles, CA 93446	
11	Shane Williams 2259 Florence Ave. San Luis Obispo, CA 93401	<u>Counsel for Centennial Livestock</u> Roger Frederickson, Esq. Sinsheimer, Juhnke, Lebens & McIvor 1010 Peach Street San Luis Obispo, CA 93406
12	Johnathan R Zeko GRANT & ZEKO APC 1331 India St. San Diego, CA 92101	
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1	Pensco Trust Company Custodian FBO Michael Adler c/o Goe & Forsythe, LLP 18101 Von Karman Ave., Ste 510 Irvine, CA 92612
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1 In re: Estate Financial, Inc.	2 Debtor(s).	CHAPTER 11
		CASE NUMBER 9:08-bk-11457-RR

3 NOTICE OF ENTERED ORDER AND SERVICE LIST

4 Notice is given by the court that a judgment or order entitled (*specify*) **ORDER DENYING BRYAN CAVE,**
5 **LLPS MOTION FOR ORDER WITHDRAWING CLAIM NO. 69-1 WITH PREJUDICE** was entered on the
6 date indicated as Entered on the first page of this judgment or order and will be served in the manner
7 indicated below:

8 **I. SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")** – Pursuant to controlling
9 General Order(s) and Local Bankruptcy Rule(s), the foregoing document was served on the following
10 person(s) by the court via NEF and hyperlink to the judgment or order. As of **July 26, 2011**, the following
11 person(s) are currently on the Electronic Mail Notice List for this bankruptcy case or adversary proceeding to
12 receive NEF transmission at the email address(es) indicated below.

- 10 • Thomas M Geher tmg@jmbm.com
- 11 • Craig Millet cmillet@gibsondunn.com, pcrawford@gibsondunn.com
- 12 • Jennifer L. Nelson jlnelson@reedsmith.com
- Larry W. Gabriel lgabriel@ebg-law.com
- United States Trustee (ND) ustpregion16.nd.ecf@usdoj.gov

13 Service information continued on attached page

14 **II. SERVED BY THE COURT VIA U.S. MAIL:** A copy of this notice and a true copy of this judgment or
15 order was sent by United States Mail, first class, postage prepaid, to the following person(s) and/or
entity(ies) at the address(es) indicated below:

16 Service information continued on attached page

17 **III. TO BE SERVED BY THE LODGING PARTY:** Within 72 hours after receipt of a copy of this judgment or
18 order which bears an Entered stamp, the party lodging the judgment or order will serve a complete copy
bearing an Entered stamp by U.S. Mail, overnight mail, facsimile transmission or email and file a proof of
19 service of the entered order on the following person(s) and/or entity(ies) at the address(es), facsimile
20 transmission number(s), and/or email address(es) indicated below:

21 Service information continued on attached page

1 In re: Estate Financial, Inc.	2 Debtor(s).	CHAPTER 11
		CASE NUMBER 9:08-bk-11457-RR

3 I. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF"):**

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8	BSB Design Inc Attn: James Grundmeier 6601 Westown Parkway Ste 240 West Des Moines, IA 50266	Robert Clark 1701 Fern Hollow Drive Diamond Bar, CA 91765
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11	Carolyn A. Baker 438 Via De La Luz Thousand Oaks, CA 91320	Donna L. Wobber Donald R. Wobber 560 Grove Acre Ave. Pacific Grove, CA 93950
12	Linda A. Barlow 2700 N.Main St # 850 Santa Ana, CA 92705-6638	Farella Braun + Martel LLP c/o Mark D. Petersen 235 Montgomery St. San Francisco, CA 94104
13	Karen A. Barstow 930 Brookhill Rd. Paso Robles, CA 93446	
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3	Jon F. Gauthier Marks Golia & Finch LLP 8620 Spectrum Center Blvd Ste 900 San Diego, CA 92123-1454	LECG LLC 201 S. Main St., Ste 450 Salt Lake City, UT 84111
4	George and Cathy Hoxie 3386 Herrier St. Oakland, CA 94602	LECG LLC 2049 Century Park East Ste 2300 Los Angeles, CA 90067
5	Robert P. Goe, Esq. Goe & Forsythe LLP 18101 Von Karman Ave., Ste 510 Irvine, CA 92612	Lance E. Mason 1212 Calle Cerrito Santa Barbara, CA 93101
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7	Highwater Granada Hills, LLC c/o Byron Z. Moldo, Esq. Moldo Davidson et al. 2029 Century Park East, 21st Floor Los Angeles, CA 90067	Lauderdale Law Offices 150 Carmelito Ave Monterey, CA 93940
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16	Alice E. White Trustee for Alice E. White Trust 158 Via Robles Paso Robles, CA 93446-3926	<u>Attys for California Plastering, Inc.</u> Todd M. Wolfe, Esq. Green & Campbell, LLP 1777 E. Los Angeles Avenue, Suite 201 Simi Valley, CA 93065
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PROOF OF SERVICE

I, Pam Crawford, declare as follows:

I am employed in the County of Orange, State of California, I am over the age of eighteen years and am not a party to this action; my business address is 3161 Michelson Drive, Ste. 1200, Irvine, CA 92612, in said County and State. On August 30, 201, I served the following document(s):

**NOTICE OF FILING OF ORDER BEING APPEALED FROM
PURSUANT TO COURT ORDER**

on the parties stated below, by the following means of service:

- **Craig H Millet**
cmillet@gibsondunn.com,pcrawford
@gibsondunn.com
 - **Kevin S Rosen**
krosen@gibsondunn.com
 - **Michael B Smith**
msmith@gibsondunn.com,msawyier
@gibsondunn.com
 - **Corey Ryan Weber**
cweber@ebg-law.com

- BY UNITED STATES MAIL:** I placed a true copy in a sealed envelope or package addressed to the persons as indicated above, on the above-mentioned date, and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this firm's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited with the U.S. Postal Service in the ordinary course of business in a sealed envelope with postage fully prepaid. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing set forth in this declaration.

I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at [City, State].

- BY MESSENGER SERVICE:** I placed a true copy in a sealed envelope or package addressed to the persons at the addresses listed above and providing them to a professional messenger service for service for delivery before 5:00 p.m. on the above-mentioned date. (*A declaration by the messenger must accompany this Proof of Service.*)
 - BY FAX TRANSMISSION:** Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed above at [time] [am/pm] on [date]. The telephone number of the sending fax machine is [number] No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached. This transmission report was properly issued by the sending fax machine.
 - BY OVERNIGHT DELIVERY:** On the above-mentioned date, I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses shown above. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier with delivery fees paid or provided for.
 - BY LEXISNEXIS:** I provided the document(s) listed above electronically to LexisNexis through the LexisNexis

1 File & Serve website pursuant to the order authorizing electronic service and the instructions on that website.

- 2 **BY ELECTRONIC TRANSFER TO THE CM/ECF SYSTEM:** On this date, I electronically uploaded a true
3 and correct copy in Adobe “pdf” format the above-listed document(s) to the United States District Court’s Case
Management and Electronic Case Filing (CM/ECF) system. After the electronic filing of a document, service is
deemed complete upon receipt of the Notice of Electronic Filing (“NEF”) by the registered CM/ECF users.
4
- 5 **BY ELECTRONIC SERVICE:** On the above-mentioned date at [time] [am/pm], based on a court order or an
agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the
persons at the electronic notification addresses as shown above.
6
- 7 I am employed in the office of [attorney name], a member of the bar of this court, and that the foregoing
document(s) was(were) printed on recycled paper.
8
- 9 **(STATE)** I declare under penalty of perjury under the laws of the State of California that the foregoing is
true and correct.
10
- 11 **(FEDERAL)** I declare under penalty of perjury that the foregoing is true and correct.

12 Executed on August 30, 2011.
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14 _____ /s/ Pam Crawford
15 _____ Pam Crawford
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